

**REMARKS/ARGUMENTS**

Upon entry of this Amendment, claims 16-21 and 23-38 remain pending. Applicant wishes to thank Examiner for taking time to discuss the case via telephone conference on Thursday, September 4, 2008.

**Claim Rejections – 35 USC § 112**

In the Office Action, Examiner rejected claims 16-21 and 23-38 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention.

With respect to claim 16, Examiner maintains that no vertical or horizontal structure is recited for the claim terms “horizontal axis” and “vertical axis”. In response, Applicant continues to respectfully disagree and requests reconsideration on the issue.

Examiner has explained that when an applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term (Final Office Action on page 3). Applicant acknowledges this reasoning, and notes the terms “vertical axis” and “horizontal axis” are used and described as structural elements (of the Cartesian robotic system 4) in the written description, and further referenced as structural elements in the drawings. Accordingly, Applicant respectfully asserts that sufficient notice is provided to the skilled artisan.

As described in paragraph [0028] of Applicant’s published specification, the vertical axis “is fitted with pick-up device 18 and the end of an optical sensor 10...” In order to be so fitted, a skilled artisan would understand the vertical axis to be recited structure regardless of the standard definition for such term found in an English-language dictionary.

Further, the same paragraph [0028] teaches a robotic system 4 having at least two numerical control axes. One such axis is later referred to in the same paragraph as the vertical axis, as described above. By the collective use of the vertical and horizontal axes provided in claim 16, Applicant believes the skilled artisan would understand the horizontal axis to be another of such numerical control axes. However, even if, arguendo, Examiner disagrees, claim 16 also describes “the vertical axis movable along the horizontal axis”. This is found to be

similarly reflected in paragraph [0028] of Applicant's originally published specification, where a "skid" was linked to horizontal movement in order to convey the "vertical axis". Accordingly, in light of claim 16, Applicant respectfully asserts the skilled artisan would understand such "horizontal movement" of the "skid" to be movement along the "horizontal axis".

In light of the above support from claim 16, Applicant amended paragraph [0028] in the Office Action response filed April 29, 2008, as follows:

As non-limitative example, the robotic system 4 includes with at least two numerical control axes. The system 4 is composed of a skid, movable along a horizontal axis 27, ~~for the horizontal movement~~ which, in turn, conveys a vertical axis 28 that is fitted with pick-up device 18 and the end part of an optical sensor 10 to obtain a return signal of the precision of the positioning of the gripper 18 in relation to the location 17.

Further, Applicant filed a replacement drawing for FIG. 1 in which both the "horizontal axis" and "vertical axis" were referenced as nos. 27 and 28, respectively, so as to identify these structures. In the Final Office Action, the amendment to paragraph [0028] was not objected to, and the replacement drawing for FIG. 1 was approved of.

Accordingly, Applicant respectfully asserts that the terms "vertical axis" and "horizontal axis" are used and described as structural elements in the written description. Based on the structural manner in which the terms are described in the description, and based on their being referenced in FIG. 1, Applicant respectfully asserts that sufficient notice has been provided to the skilled artisan of the Applicant's intention of redefining these terms. As such, Applicant respectfully requests Examiner to withdraw her 35 U.S.C. 112, second paragraph rejection of claims 16-21 and 23-38.

#### **Claim Rejections – 35 USC § 102(e) and 35 USC § 103(a)**

Claims 16, 24-29, 31, 33, and 35-38 continue to stand rejected under 35 U.S.C. 102(e) as being anticipated by Pressman et al. (U.S. Patent Pub. No. 2003/02118487). Further, claims 17-23, 30 and 34 continue to stand rejected under 35 U.S.C. 103(a) as being unpatentable over Pressman in view of Knippscheer et al (U.S. Patent No. 5,233,844). In maintaining their traverse of the above 102(e) and 103(a) rejections, Applicant respectfully requests reconsideration on certain arguments last presented in their Office Action response of April 29, 2008.

Particularly, in claim 16, as previously discussed in Applicant's Office Action response of April 29, 2008, one of the required features is a system comprising a horizontal axis lying along a diameter of the stacked disks. As already referenced above, such horizontal axis of the present invention is used in conveying a vertical axis of the system horizontally in order to position a pick-up device (affixed to the vertical axis) over the opening in the shelf so as to store or remove a sample from the lower chamber. By not having the horizontal axis lay along the diameter of the stacked disks, there would be potential that the pick-up device could not be positioned (via the vertical axis) to properly store or remove a sample from a location on the disks, as range of motion for the pick-up device is limited to horizontal and vertical directions.

To that end, Applicant continues to respectfully assert that the Pressman system works without a horizontal axis of such length. As Examiner has explained, Pressman at paragraph [0133] only achieves horizontal extension from actuation of the lateral lead screw motor 314. From Figure 14 of Pressman, this horizontal extension looks to be only a little more than half the diameter of the stack of disks 30 when loading and unloading the samples from the disks 30. Thus, while Pressman teaches a system warranting less lengthy horizontal extension, this is largely attributable to the rotational range of motion for the arm 304. In contrast, while Applicant's system warrants a horizontal axis lying along a diameter of the stacked disks, the system only deals with range of motion for the pick-up device in horizontal and vertical directions, thereby simplifying its functionality and avoiding a source of maintenance and breakdown for the system.

Regarding the above feature of claim 16 requiring a system comprising a horizontal axis lying along a diameter of the stacked disks, Applicant continues to respectfully assert that Knippscheer fails for much the same reasons as Pressman. As described by the Applicant in their Office Action response of April 29, 2008, the insertion and removal of samples disclosed by the system in Knippscheer is implemented on three axes. Accordingly, with reference to Fig. 11 for example, the horizontal arm 190 does not extend along a diameter of the stacked pluralities of samples.

Applicant asserts that upon entry of this Amendment, the claims are hereby in condition for allowance. For the above reasons, Applicants believes claim 16 should be allowed. In turn, the allowance of claim 16 thereby renders claims 17-21 and 23-38 also allowable. Favorable

consideration and prompt allowance of the application are respectfully requested. If the Examiner feels that prosecution of the present application can be materially advanced by a telephonic interview, the undersigned would welcome a call at the number listed below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'J. S. Parzych', written in a cursive style.

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